



The Role Of The Police In Minimizing The Existence Of Hate Speech In Gorontalo

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Abstract: The purpose of this study is to identify and analyze legal actions and the role of the police in dealing with hate speech crimes. The rise of *hate speech* is getting more attention from the public and law enforcement officials. Hate speech can encourage incitement, discrimination, violence, and even division of the nation. And the targets are cultural, ethnic, racial, and religious communities. This study also aims to determine the factors that cause the opportunity for hate speech to occur in the community by attaching the efforts and law enforcement policies carried out by law enforcement officers in handling hate speech cases. The research method used in this thesis is a qualitative empirical research method. Research materials were collected by conducting interviews with informants through an approach to the laws and regulations related to this research, namely the Criminal Code with articles related to hate speech, Law no. 11 of 2008 concerning Information and Electronic Transactions, Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008, and the Circular Letter of the Chief of Police Number: SE/6/X/2015 concerning the handling of *hate speech*. In enforcing the law, law enforcement officers sometimes have differences in carrying out law enforcement policies related to hate speech. But in this study, it has been clearly explained what has become the focus of the Gorontalo Regional Police in carrying out efforts to eradicate and prevent hate speech through social media as intended.

Keywords : Hate speech, the role of the police

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1. Introduction

Indonesia is a country with a fairly large number of social media users. When a person's reputation is polluted or damaged, it can only be judged by the person concerned. In other words, it is the victim who can subjectively judge the content or name of the information or electronic document that he feels has attacked his honor or reputation. Contribution provides protection for one's dignity as one of human rights. Therefore, legal protection is given to the victim, and not to other people. The purpose of this study is also to determine the mode of insult and defamation through social media and to find out the factors that cause humiliation and defamation through social media and to find out how to prevent insult and defamation through social media. This research is an empirical juridical research with a sociological approach taken from primary data by conducting interviews and secondary data by processing data from primary, secondary and tertiary legal materials.¹

Based on the results of the research, it can be understood that the mode of insult and defamation through social media is of many types and patterns in the form of posting personal news of someone or someone's badness, creating fake accounts to incitement so that the conflict occurs either intentionally or unintentionally, then the factors that cause the occurrence insults and defamation through social media, there are also many factors and causes, from the lack of interest in reading the community and people who are less intelligent in understanding the use of social media for positive things and people who do not understand the contents of these rules so that people find it difficult to control the scope of the grammar used, then how to prevent insults and defamation through social media by means of the government working together with all existing officials to optimize the exposure of a rule so that they can work together with the community to maintain harmony between communities, when there is news that is not true filter each other, when there is bad news clarify each other.²

Based on this case, the informant provided case data that was processed at that time with problems related to hate speech which was clearly considered an act that violated the law because it had attacked a person's human rights as a protected community. The following is data on hate speech cases in the last 3 (three) years.

Number of cases of hate speech via social media in 2019-2021 at POLDA Gorontalo⁶

NO	YEAR	NUMBER OF CASES
1	2019	18 Case

¹ Ryan Chandra Sukma dan Rosalia Dika Agustanti, "Disparitas Putusan Hakim Terhadap Pelaku Tindak Pidana Ujaran Kebencian Yang Dilakukan Oleh Masyarakat Umum," *Jurnal Esensi Hukum* 5, no. 1 (2023): 50–66.

² Andi Sepima, Gomgom TP Siregar, dan Syawal Amry Siregar, "Penegakan Hukum Ujaran Kebencian di Republik Indonesia," *Jurnal Retentum* 2, no. 2 (2020), <https://ejournal.darmaagung.ac.id/index.php/retentum/article/view/908>.

2	2020	11 Cases
3	2021	30 Cases

It can be seen from the data above that the number of cases that occur in Gorontalo each year has decreased. It was recorded that in 2019 there were 18 cases of hate speech , then in 2020 only 11 cases were processed at the Gorontalo Provincial Police which showed a drastic reduction rate every year, which was more than 50%. It can also be seen in 2021 that this case has increased rapidly, in the sense that there has been a fairly large increase in cases when measured and illustrated in the form of a curve, which is as many as 30 cases.

The series of cases above were described by Mrs. Livianita Wantu, S.Pd of the Criminal Investigation Department who explained that the hate speech cases in 2019, 2020 and 2021 were cases that were openly carried out using social media. According to Mr. First Brigadier Wilson Jenly Malinggas, SH, a person's factors can be said to have violated the law in this case is this hate speech , namely:³

1. Uploading an image on social media with captions that cause a person's hatred of an ethnicity, race, religion, sexual orientation and others.
2. The upload is known to the public so that it causes other people to see it
Attacking someone's honor

The 1945 Constitution of the Republic of Indonesia affirms that protecting the entire Indonesian nation and the entire homeland of Indonesia is the nation's goal. This is a guarantee of tangible evidence from Indonesia's highest regulatory instrument recognized by other countries. Various forms of this type of protection include guarantees of security, peace and order in accordance with the norms of social life. This extension of the administration of Indonesia's highest regulatory instrument has become the focal point of part of agencies, institutions and government apparatus that are oriented towards achieving the ideals of the nation.⁴

2. Method

This research uses a qualitative approach that is carried out in a planned and systematic manner to answer problems related to hate speech against individuals with certain deficiencies, which causes them to become a minority group from a human rights perspective. The characteristics of this research are descriptive and analytical, where the analysis process is focused on revealing the dynamics and factors that influence the phenomenon. The theoretical basis used is very important as a research

³ Lusia Astrika dan Yuwanto Yuwanto, "Ujaran kebencian dan hoaks: signifikasinya terhadap pemilih pemula di Kota Semarang," *JlIP: Jurnal Ilmiah Ilmu Pemerintahan* 4, no. 2 (2019): 107–18.

⁴ Sigit Hariyawan dan Bambang Joyo Supeno, "Penegakkan Hukum Terhadap Tindak Pidana Ujaran Kebencian (Hate Speech)," *Jurnal Juristic* 1, no. 01 (2020): 41–51.

guide, ensuring that the research focus is in accordance with the facts found in the field.⁵

3. The Role of the Police in Minimizing the Existence of Hate Speech in Gorontalo

The Gorontalo Regional Police as one of the state and regional instruments in guarding the security and social security situation so that it remains conducive, the Regional Police have a strategic and very important role in handling hate speech. In line with the roles, functions and authorities mandated to the Regional Police, it requires the handling of hate speech. Thus, the crime of hate speech can be reduced. There are several efforts that the Regional Police can take to reduce/degrade the crime of hate speech, namely non-penal (preventive) and penal (repressive) efforts. However, what is prioritized in solving and overcoming the crime of hate speech is preventive efforts, because criminal law efforts (repressive) are the last resort used if preventive methods do not work.⁶

Preventive efforts carried out by the police in tackling hate speech crimes include socializing or providing directions or counseling to the public regarding the meaning of hate speech itself and its impacts, then working with the community to jointly prevent hate speech. And tackling criminal acts or crimes of hate speech and involving community leaders, traditional leaders, and religious leaders, in dealing with crimes/crimes of hate speech in order to minimize the occurrence of this.

Police repressive efforts in overcoming hate speech crimes carried out through campaign speeches, banners or banners, social media networks, demonstrations, religious lectures, printed or electronic mass media, and pamphlets are to take firm action against the perpetrators of hate speech crimes.) by enforcing the law that regulates hate speech in a professional and transparent manner. Thus, repressive measures can measurably reduce the number of Hate Speech Crimes. Customs and community policing in carrying out supervision, prevention and prevention in every area that is considered prone to conflict and still do not understand what hate speech is and what impact it will have if the crime of hate speech is not handled and responded to early.⁷

Then it is necessary to conduct socialization or counseling from the police to schools, universities, villages, and also to the people of Gorontalo, especially regarding the understanding and forms of this hate speech crime as well as explaining the sanctions or punishments based on the law. Laws that have been regulated by the government regarding sanctions if someone commits the crime of hate speech. Not only through direct socialization, can indirect socialization through banners or banners also be

⁵ Zainuddin Ali, *Metode penelitian hukum* (Sinar Grafika, 2021).

⁶ Sepima, Siregar, dan Siregar, "Penegakan Hukum Ujaran Kebencian di Republik Indonesia."

⁷ Renal Eldinata Samosir, "Peranan Kepolisian Resor Tebing Tinggi Dalam Penegakan Hukum Terhadap Tindak Pidana Ujaran Kebencian Berkaitan Dengan Suku, Agama, Ras Dan BAntar Golongan Di Media Sosial" (PhD Thesis, Universitas Medan Area, 2021), <https://repositori.uma.ac.id/handle/123456789/15751>.

carried out from the government, the police, and the community. Finally, the greatest hope for hate speech crimes is that they are no longer circulating and become a culture in the midst of society both in terms of the real world (daily life) and in the virtual world (internet) so that the security and security situation is maintained.⁸

Kapolda also regulates procedures for handling the occurrence of hate speech so as not to cause discrimination, violence, loss of life, or widespread social conflict. The procedure for handling it by members of the Regional Police is regulated in several stages, as follows:⁹

- 1) Every Polda personnel is expected to have an understanding and knowledge of forms of hatred.
- 2) Police personnel are expected to be more responsive or sensitive to symptoms in the community that have the potential to cause criminal acts
- 3) Every Polda personnel conducts analysis or study of the situation and conditions in their environment. Especially with regard to acts of hate speech.
- 4) Each member of the Regional Police must report to their respective leaders on the situation and conditions in their environment, especially those related to acts of hate speech
- 5) For the Kasatwil to carry out activities, such as:
 - a. Streamlining and prioritizing the intelligence function to find out real conditions in areas prone to conflict, especially as a result of incitement or provocation, for further mapping as part of early warning and early detection
 - b. Prioritizing the function of Binmas and Polmas to conduct counseling or outreach to the public regarding hate speech and the negative impacts that will occur.
 - c. Prioritizing the function of Binmas to conduct constructive cooperation with religious leaders, community leaders, youth leaders, and academics to optimize repressive actions against hate speech.¹⁰

If an act that has the potential to lead to a crime of hate speech is found, every member of the Regional Police is obliged to take the following actions:

- 1) monitor and detect as early as possible the seeds of conflict in the community
- 2) approach the party suspected of committing hate speech
- 3) bring together parties suspected of committing hate speech with victims of hate speech
- 4) seek a peaceful solution between the warring parties, and

⁸ Abdul Sakban dan Zaini Bidaya, "Desain Pola Integrasi Cyber dalam Mengurangi Kejahatan Cyberbullying," *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila dan Kewarganegaraan* 9, no. 1 (2021): 38–46.

⁹ Jenny Iffanny Harahap, H. Nurianto Rahmand Soepadmo, dan Ida Bagus Anggapurana Pidada, "Upaya Polda Bali Dalam Meminimalisir Tindak Pidana Ujaran Kebencian Melalui Sosial Media," *Formosa Journal of Sustainable Research* 1, no. 1 (2022): 21–34.

¹⁰ Roberto GM Pasaribu dan G. Ambar Wulan, "Pencegahan Kejahatan Ujaran Kebencian di Indonesia," *Jurnal Ilmu Kepolisian* 14, no. 3 (2020): 19–19.

- 5) provide an understanding of the impact that will arise from hate speech in society.¹¹

However, before taking action, the principle of hate speech is to prioritize prevention over law enforcement. With several considerations, because punishment is the ultimum remedium or the last action, the principle of cost and benefit to avoid greater losses (material, social, conflict, economic, life, etc.), the precautionary principle, the potential for other rights to be violated. illegally (unjustified restriction).¹²

4. Conclusion

Based on the results of the research and discussion described in Regarding the role of the police in minimizing the existence of hate speech in Gorontalo, it can be concluded that the handling of the crime of spreading hate through social media in the jurisdiction of the Gorontalo Police is carried out through penal and non-penal means. First, the means of penalizing is carried out by the Ditreskrimsus of the Gorontalo Police at the Sub-Directorate of Cyber Crime. Non-penal facilities are carried out by the entire Gorontalo Regional Police apparatus according to their main duties and functions, such as the Directorate of Community Development by conducting socialization and legal awareness to the community. Meanwhile, the obstacles to overcoming the crime of spreading hatred through social media in the jurisdiction of the Gorontalo Regional Police are obstacles to perpetrators, law enforcement, facilities or facilities and the community.

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¹¹ ALYA YUMNA NOERNANTYO, "PERAN KEPOLISIAN DALAM PENANGGULANGAN UJARAN KEBENCIAN MELALUI MEDIA SOSIAL (Studi Kasus di Ditreskrimsus Polda Jateng)" (PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024), <http://repository.unissula.ac.id/33635/>.

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